

February 29, 2008

Mr. Masahiko Kaneda, General Manager
APWR Promoting Department
Mitsubishi Heavy Industries, Ltd.
16-5, Konan 2-Chome, Minato-Ku
Tokyo, 108-8215 JAPAN

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
FOR US-APWR DOCUMENTS AND COMPUTER PROGRAMS REFERENCED
IN THE US-APWR DESIGN CONTROL DOCUMENT AND SUPPORTING
DOCUMENTS

Dear Mr. Kaneda:

By letter and associated Affidavit dated December 31, 2007, you submitted proprietary documents and computer programs (MHI Ref: UAP-HF-07189). By letter and associated Affidavit dated January 23, 2008, you submitted a revised Affidavit (MHI Ref: UAP-HF-08031) to the December 31, 2007 letter. Your letter requested that the documents and computer programs referenced in the US-APWR design control document and supporting documents be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390(a)(4) and Part 9, Section 9.17(a)(4).

Your revised affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reason:

- Pubic disclosure of the Referenced Materials would assist competitors of MHI and the Licensor in their design of new nuclear power plants without the costs or risks associated with the design of new systems and components. Disclosure of the information identified as proprietary would therefore have negative impacts on the competitive position of MHI and the Licensor in the U.S. nuclear plant market.

We have reviewed your application and the materials in accordance with the requirements of 10 CFR 2.390 and, on the basis of the statements in the affidavit, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure.

Therefore, the versions of the submitted information marked as proprietary will be withheld from public disclosure pursuant to 10 CFR 2.390(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended.

Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the documents. If the need arises, we may send copies of this information to our consultants working in this area. We will, of course, ensure that the consultants have signed the appropriate agreements for handling proprietary information.

M. Kaneda

-2-

If the basis for withholding this information from public inspection should change in the future, such that the information could then be available for public inspection, you should promptly notify the NRC. You also should understand that the NRC may have cause to review this determination in the future, for example, if the scope of a Freedom of Information Act request includes your information. In all review situations, if the NRC makes a determination adverse to the above, you will be notified in advance of any public disclosure.

If you have any questions regarding this matter, I may be reached at (301) 415-6391, or jac3@nrc.gov.

Sincerely,

/RA/

Jeffrey A. Ciocco, Sr. Project Manager
US-APWR Project Branch (NMIP)
Division of New Reactor Licensing
Office of New Reactors

Project No. 0751

cc: See next page

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